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IV2310266

INVESTIGATIVE SUMMARY
IV 2310266

Subject: **BRAZILE, BRYAN** **DEPUTY SHERIFF** [redacted]

Date: **March 3, 2012**

Time: **0200 Hours**

Location: **1616 East 15th Street, Los Angeles**

This case pertains to an off-duty incident which occurred at "Club Sixteen 16" in downtown Los Angeles. Subject Bryan Brazile, assigned to NCCF, went to the above nightclub on the night of March 2, 2012. When he left the nightclub, on the morning of March 3, he was extremely intoxicated. An on-site security guard assisted Subject Brazile to his car. The security guard discovered Subject Brazile's firearm unsecured and in the gutter next to the Subject's vehicle. The security guard took the weapon for safekeeping. When the security guard returned less than an hour later to check on the Subject's condition, Subject Brazile's vehicle was gone. The security guard contacted an LASD lieutenant and returned Subject Brazile' firearm to the lieutenant later that day. Later the same morning, Subject Brazile went to LAPD West Valley Station and reported his firearm as stolen. ICIB conducted a criminal inquiry regarding the incident from March 6-9, 2012. They found no potential criminal ramifications. Based upon the incident, an administrative investigation was initiated concerning the Subjects' [redacted] Deputy Brazile was named as the lone subject.

CASE SUMMARY

On March 3, 2012, at approximately 2245 hours, Subject Brazile arrived at "Club Sixteen 16" in Los Angeles. Subject Brazile was there to attend the birthday party of a mutual friend. Subject Brazile drove to the location alone. Subject Brazile parked his vehicle (2009 Ford Mustang) on 15th Street near the club. He locked his duty firearm in the vehicle's glove box and also locked his vehicle. Prior to the nightclub party, Subject Brazile did not consume any alcoholic beverages. At the club, however, Subject Brazile admittedly consumed a variety of alcoholic beverages including: vodka, whiskey and tequila. He could not recall the number of drinks he imbibed. He believed he drank both mixed drinks and shots of alcohol.

Subject Brazile estimated he was inside the club three-to-four hours. When he left the nightclub (sometime between 0130-0230 hours on March 3, 2012), he was extremely

intoxicated. In fact, Subject Brazile could not remember any of the events from the time he left the nightclub until he awoke later the same morning around 0730 hours. Subject Brazile believed he awoke in his vehicle, parked in the exact same location as he had left it the prior night.

As Subject Brazile drove home that morning around 0800 hours, he discovered his firearm was missing from his glove box. He believed his vehicle had been burglarized. He called NCCF to report his stolen firearm to the Watch Commander (Lieutenant Berg). Subject Brazile was directed to report his stolen firearm to the nearest LAPD station, obtain a file number and write a memo to Captain Trujillo regarding the incident upon his return to work.

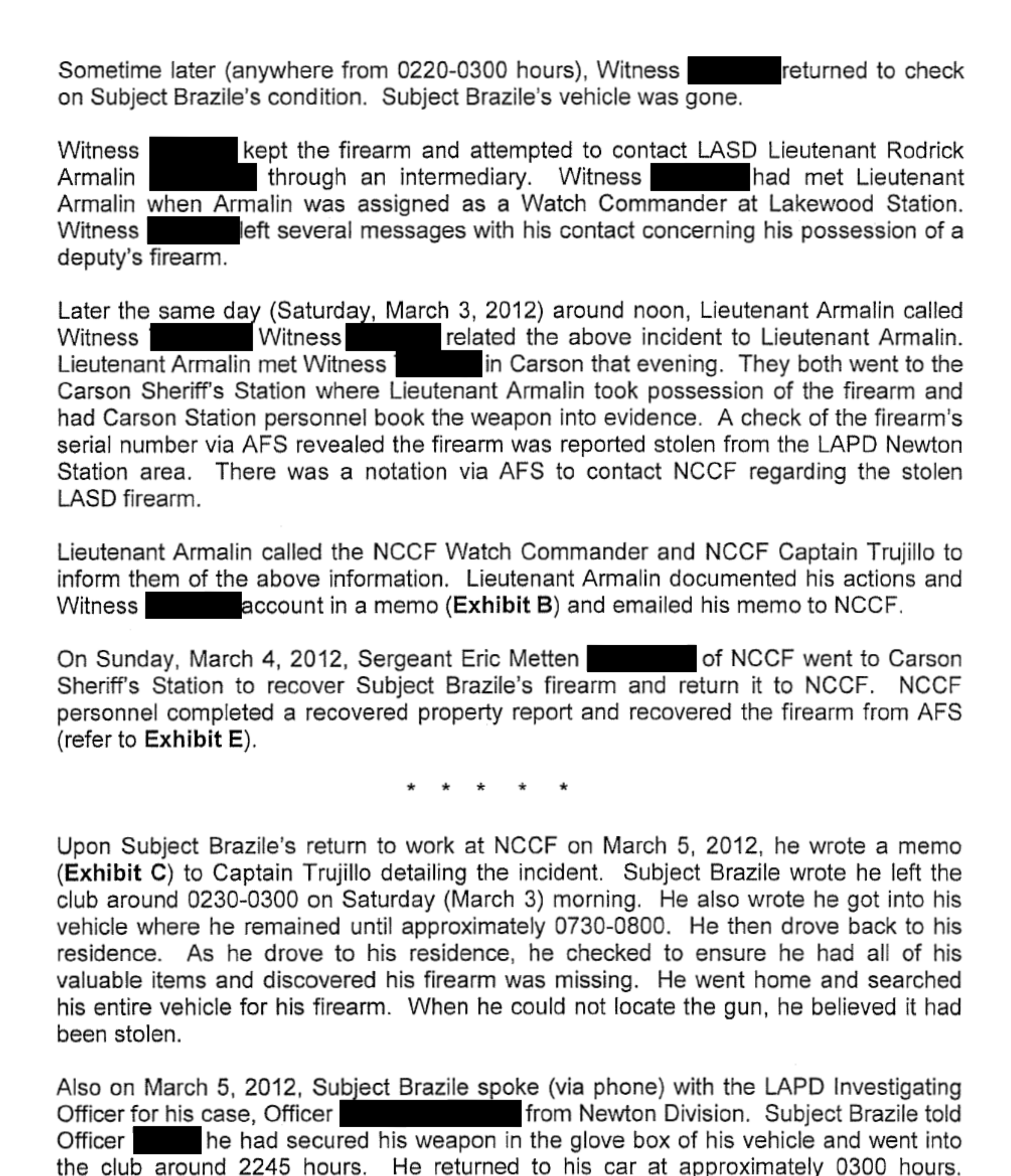
Subject Brazile drove to the LAPD West Valley Station to make a report of the vehicle burglary and stolen firearm (refer to **Exhibit A**, LAPD Investigative Report #1213-07787). LAPD West Valley officers took a report for the LAPD Newton Division (where the alleged vehicle burglary occurred). Subject Brazile told the LAPD officers he left the club at approximately 0300 hours, returned to his vehicle and drove to his residence. At home at approximately 0800 hours, Subject Brazile checked his vehicle and discovered his firearm missing. There was no forced entry to the Subject's vehicle but there were fingerprints on the passenger side window.

* * * * *

A security guard, Witness [redacted] was working at the nightclub. He encountered Subject Brazile outside of the nightclub sometime between 0130-0145 hours. Witness [redacted] was ushering patrons out of the club. He saw Subject Brazile seated on the ground and leaned up against a building. There were three male Hispanics around Subject Brazile and Witness [redacted] was concerned a fight was imminent. Witness [redacted] described Subject Brazile as being intoxicated, unable to care for himself and having vomited.

Witness [redacted] chased the Hispanics away and assisted Subject Brazile to Brazile's parked car, which was parked across the street approximately 35-40 feet away. Upon arrival at Subject Brazile's car, Witness [redacted] found the car unlocked and the keys in the ignition. As Witness [redacted] assisted Subject Brazile into the backseat passenger side of the vehicle, Subject Brazile became angry and spit on Witness [redacted] After getting Subject Brazile into the car, Witness [redacted] noticed a gun laying in the gutter. Witness [redacted] believed the firearm looked like a police officer's gun. He found identification on Subject Brazile which identified the Subject as a deputy sheriff.

Witness [redacted] decided to take Subject Brazile's firearm for safekeeping. His intent was to let Subject Brazile sleep in his car, and return to check on him once the patrons cleared out of the club. Witness [redacted] believed the male Hispanics who were previously arguing with the Subject could return and Witness [redacted] did not want a shooting to occur. Witness [redacted] left the car keys because he was in a rush to return to the club to perform his job duties.



Sometime later (anywhere from 0220-0300 hours), Witness [redacted] returned to check on Subject Brazile's condition. Subject Brazile's vehicle was gone.

Witness [redacted] kept the firearm and attempted to contact LASD Lieutenant Rodrick Armalin [redacted] through an intermediary. Witness [redacted] had met Lieutenant Armalin when Armalin was assigned as a Watch Commander at Lakewood Station. Witness [redacted] left several messages with his contact concerning his possession of a deputy's firearm.

Later the same day (Saturday, March 3, 2012) around noon, Lieutenant Armalin called Witness [redacted] Witness [redacted] related the above incident to Lieutenant Armalin. Lieutenant Armalin met Witness [redacted] in Carson that evening. They both went to the Carson Sheriff's Station where Lieutenant Armalin took possession of the firearm and had Carson Station personnel book the weapon into evidence. A check of the firearm's serial number via AFS revealed the firearm was reported stolen from the LAPD Newton Station area. There was a notation via AFS to contact NCCF regarding the stolen LASD firearm.

Lieutenant Armalin called the NCCF Watch Commander and NCCF Captain Trujillo to inform them of the above information. Lieutenant Armalin documented his actions and Witness [redacted] account in a memo (**Exhibit B**) and emailed his memo to NCCF.

On Sunday, March 4, 2012, Sergeant Eric Metten [redacted] of NCCF went to Carson Sheriff's Station to recover Subject Brazile's firearm and return it to NCCF. NCCF personnel completed a recovered property report and recovered the firearm from AFS (refer to **Exhibit E**).

* * * * *

Upon Subject Brazile's return to work at NCCF on March 5, 2012, he wrote a memo (**Exhibit C**) to Captain Trujillo detailing the incident. Subject Brazile wrote he left the club around 0230-0300 on Saturday (March 3) morning. He also wrote he got into his vehicle where he remained until approximately 0730-0800. He then drove back to his residence. As he drove to his residence, he checked to ensure he had all of his valuable items and discovered his firearm was missing. He went home and searched his entire vehicle for his firearm. When he could not locate the gun, he believed it had been stolen.

Also on March 5, 2012, Subject Brazile spoke (via phone) with the LAPD Investigating Officer for his case, Officer [redacted] from Newton Division. Subject Brazile told Officer [redacted] he had secured his weapon in the glove box of his vehicle and went into the club around 2245 hours. He returned to his car at approximately 0300 hours. Because he was inebriated, he remained in his vehicle and tried to sleep it off until approximately 0730 hours.

At the time of his interview with Officer [redacted] Subject Brazile was unaware his firearm had been recovered. Refer to Officer [redacted] Follow-Up Investigation Report (**Exhibit A**).

ICIB conducted a preliminary inquiry (**Exhibit D**) into this incident from March 6, 2012, through March 9, 2012. They found Subject Brazile's actions had no criminal implications.

During their inquiry, ICIB investigators went to "Club Sixteen 16" on March 6, 2012, and obtained surveillance recordings from the club's managers. They reviewed the video with the managers. The surveillance recordings were of poor quality. ICIB investigators saw someone they believed to be Subject Brazile entering the club at 2247 hours and exiting the club at 0127 hours. The video did not provide any details of Subject Brazile's actions outside of the club. IAB Sergeant Graham also reviewed the DVD from the club and did not observe any pertinent footage. Refer to the ICIB Inquiry for further information.

WITNESSES

LIEUTENANT RODRICK ARMALIN #[redacted]

I interviewed Lieutenant Rodrick Armalin on February 13, 2013, at COPS Bureau. His interview is summarized as follows:

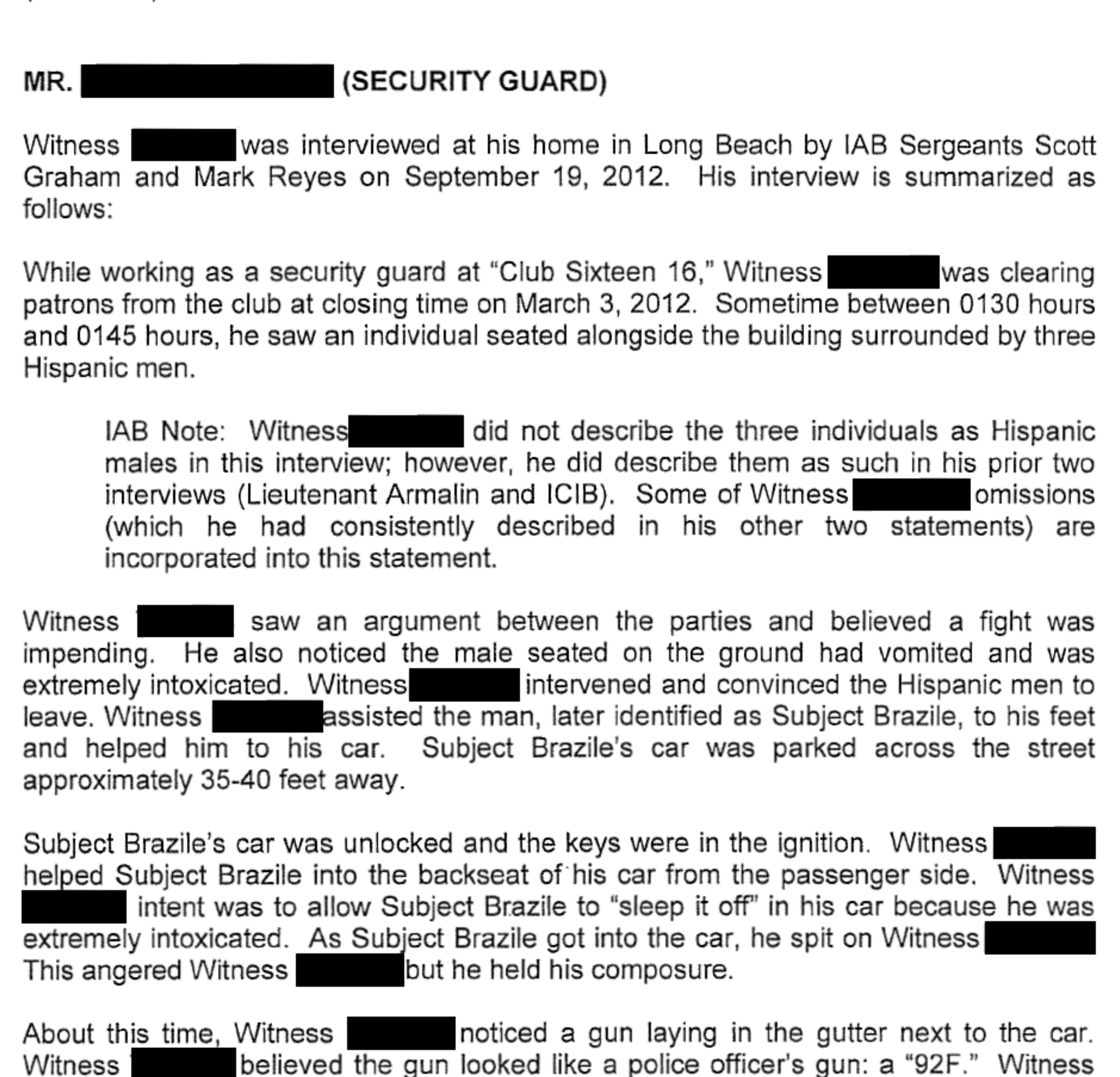
On March 3, 2012, Witness Armalin had been advised by a mutual friend that Mr. [redacted] needed to speak with him. Witness Armalin recalled Mr. [redacted] from when Armalin was assigned to Lakewood Station as a watch commander and Mr. [redacted] worked at a local club.

Mr. [redacted] told Witness Armalin he was working as security for "Club Sixteen 16" in Los Angeles the previous night. Mr. [redacted] encountered a male Black sitting on the ground and arguing with a group of male Hispanics. Mr. [redacted] believed the Hispanics were going to fight the lone male. The male Black was intoxicated, vomiting and unable to care for himself. Mr. [redacted] dispersed the Hispanics.

Mr. [redacted] helped the male to his car which was parked nearby. His intent was to have the male fall asleep inside his own vehicle. As Mr. [redacted] assisted the man into the car, Mr. [redacted] found a Beretta 92F firearm and a LASD badge. Mr. [redacted] felt it was unsafe to leave the firearm with the intoxicated male. He took the deputy's gun with the intent of returning to assist the deputy once the club was closed. When Mr. [redacted] returned to check on the deputy, his car was gone.

Witness Armalin met with Mr. [redacted] later that night (March 3, 2012). They met at Carson Station and Witness Armalin received the firearm Mr. [redacted] had recovered. Witness Armalin ran an AFS check of the firearm and discovered it was reported stolen from the LAPD Newton Division area. He also noted that the AFS entry advised the gun was a deputy's gun from NCCF. Witness Armalin had Carson Station personnel book the gun into the watch commander's safe and notified the NCCF Watch Commander and Captain. Witness Armalin wrote a memo regarding his involvement in this incident.

Witness Armalin's interview was not transcribed. Also refer to Witness Armalin's memo (**Exhibit B**). Witness Armalin's statement was consistent with the memo he authored.



MR. [redacted] (SECURITY GUARD)

Witness [redacted] was interviewed at his home in Long Beach by IAB Sergeants Scott Graham and Mark Reyes on September 19, 2012. His interview is summarized as follows:

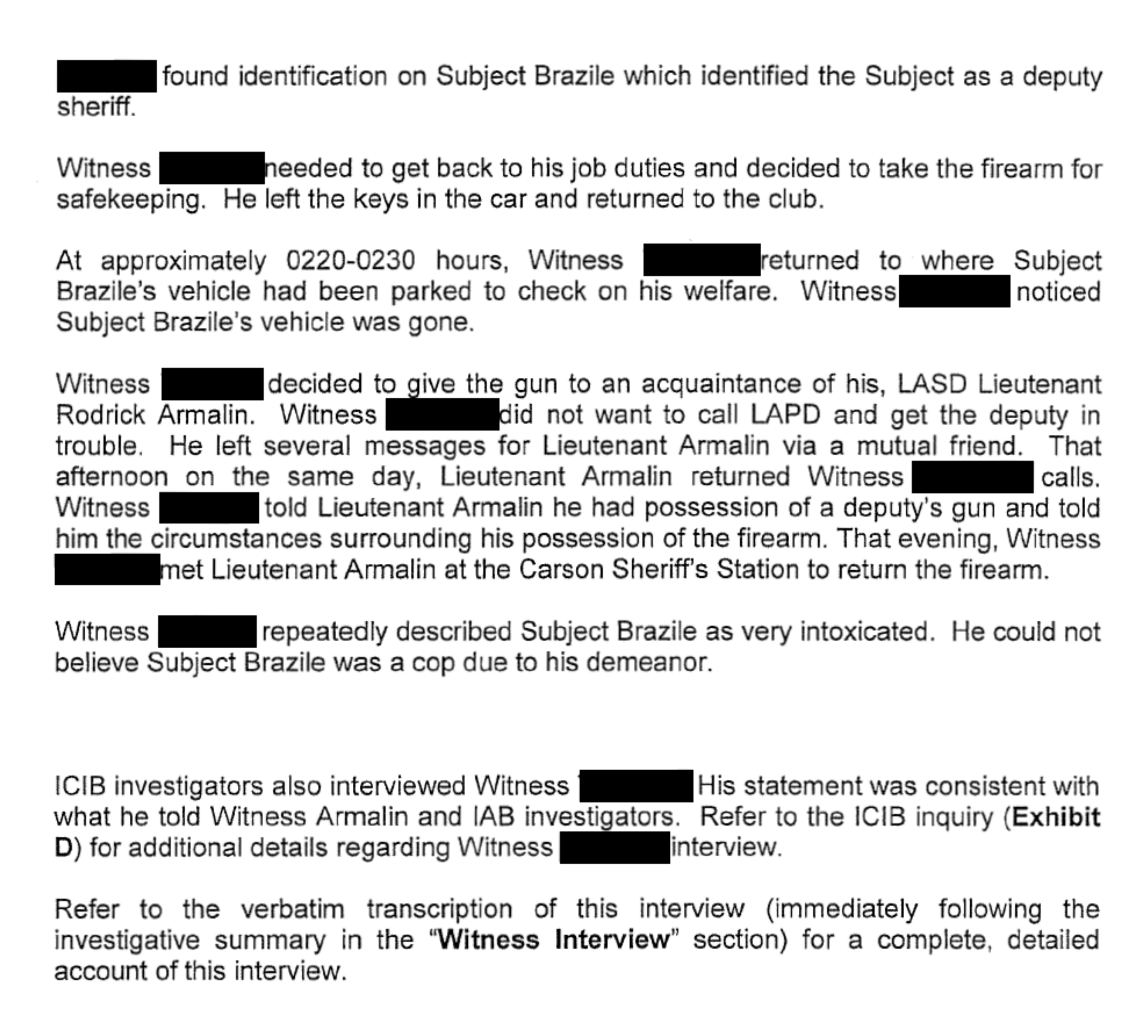
While working as a security guard at "Club Sixteen 16," Witness [redacted] was clearing patrons from the club at closing time on March 3, 2012. Sometime between 0130 hours and 0145 hours, he saw an individual seated alongside the building surrounded by three Hispanic men.

> IAB Note: Witness [redacted] did not describe the three individuals as Hispanic males in this interview; however, he did describe them as such in his prior two interviews (Lieutenant Armalin and ICIB). Some of Witness [redacted] omissions (which he had consistently described in his other two statements) are incorporated into this statement.

Witness [redacted] saw an argument between the parties and believed a fight was impending. He also noticed the male seated on the ground had vomited and was extremely intoxicated. Witness [redacted] intervened and convinced the Hispanic men to leave. Witness [redacted] assisted the man, later identified as Subject Brazile, to his feet and helped him to his car. Subject Brazile's car was parked across the street approximately 35-40 feet away.

Subject Brazile's car was unlocked and the keys were in the ignition. Witness [redacted] helped Subject Brazile into the backseat of his car from the passenger side. Witness [redacted] intent was to allow Subject Brazile to "sleep it off" in his car because he was extremely intoxicated. As Subject Brazile got into the car, he spit on Witness [redacted] This angered Witness [redacted] but he held his composure.

About this time, Witness [redacted] noticed a gun laying in the gutter next to the car. Witness [redacted] believed the gun looked like a police officer's gun: a "92F." Witness



[redacted] found identification on Subject Brazile which identified the Subject as a deputy sheriff.

Witness [redacted] needed to get back to his job duties and decided to take the firearm for safekeeping. He left the keys in the car and returned to the club.

At approximately 0220-0230 hours, Witness [redacted] returned to where Subject Brazile's vehicle had been parked to check on his welfare. Witness [redacted] noticed Subject Brazile's vehicle was gone.

Witness [redacted] decided to give the gun to an acquaintance of his, LASD Lieutenant Rodrick Armalin. Witness [redacted] did not want to call LAPD and get the deputy in trouble. He left several messages for Lieutenant Armalin via a mutual friend. That afternoon on the same day, Lieutenant Armalin returned Witness [redacted] calls. Witness [redacted] told Lieutenant Armalin he had possession of a deputy's gun and told him the circumstances surrounding his possession of the firearm. That evening, Witness [redacted] met Lieutenant Armalin at the Carson Sheriff's Station to return the firearm.

Witness [redacted] repeatedly described Subject Brazile as very intoxicated. He could not believe Subject Brazile was a cop due to his demeanor.

ICIB investigators also interviewed Witness [redacted] His statement was consistent with what he told Witness Armalin and IAB investigators. Refer to the ICIB inquiry (**Exhibit D**) for additional details regarding Witness [redacted] interview.

Refer to the verbatim transcription of this interview (immediately following the investigative summary in the "**Witness Interview**" section) for a complete, detailed account of this interview.

SUBJECT

DEPUTY BRYAN BRAZILE [redacted]

Sergeant Scott Graham and I interviewed Subject Brazile on February 18, 2013, at IAB. His interview is summarized as follows:

On March 2, 2012, Subject Brazile went to "Club Sixteen 16" for a birthday party. Subject Brazile drove alone to the club and arrived around 2245. Subject Brazile did not consume any alcoholic beverages prior to his arrival at the club. He met several people at the club.

Subject Brazile did not take his firearm into the club but did possess his departmental identification. Prior to entering the club, he secured his firearm inside of his vehicle's locked glove box and locked his vehicle. It has been Subject Brazile's past practice while off-duty to lock his firearm inside of his vehicle's glove box. Subject Brazile rarely carries his firearm on his person while off-duty.

Subject Brazile estimated he was inside the club three or four hours. While in the club, Subject Brazile consumed vodka, whiskey and tequila. He had "quite a bit" to drink and was unable to estimate the amount of alcohol or number of drinks he imbibed. He drank mixed drinks, shots and sometimes drank straight out of the bottle. There was a bottle service at his table where drinks were prepaid due to the birthday party.

There were no significant events which occurred inside the club to Subject Brazile's recollection. He believed he left the club between 0200 hours and 0300 hours. He offered that the alcohol had "definitely set in" by then. He knew he was definitely intoxicated as he left the club. He has no recollection of what he did when he left the club. He believed he walked directly to his vehicle which was parked half-a-block away from the club.

He did not recall encountering any persons on the way out of the club, getting into an argument with anyone or seeing any male Hispanics. Subject Brazile did not have anything else to drink once he left the club. He could not recall what he did, if anything, after he left the club. He did not recall if he vomited after leaving the club and did not recall having vomit on his clothing the next morning. Subject Brazile did not recall encountering a security guard or anyone assisting him. He did not recall sitting up against a building. He did not recall if he was sick or vomited inside the club.

Inside the club, Subject Brazile was there with four people. None of them contacted him the next day or told him he was very intoxicated. He did not recall if any of his friends assisted him to his car. He did not recall if he returned to his car at any point during the night. Subject Brazile said no one took his keys during the night.

I told Subject Brazile a security guard assisted him to his vehicle and found Subject Brazile's firearm in the gutter next to his car. Subject Brazile could not account for how his firearm was found in the gutter. He did not recall unlocking his car, glove box or accessing his firearm. Subject Brazile has no recollection of a security guard at all and no recollection of spitting on the security guard.

Subject Brazile believed he got to his car between 0200 hours and 0300 hours. He slept inside of his car. Subject Brazile woke around 0730 hours (Saturday, March 3). He was inside of his car, parked in the same location he had parked the night before. As he drove off from his parking location, he began checking his vehicle for his wallet, keys and weapon. He believed he might have checked for those items when he returned to his car but he did not recall. As he drove, he realized his glove box was unlocked and his firearm was missing. Panicked, he continued to drive home. He wondered if he had moved his firearm to the trunk or somewhere else during the night.

When he arrived home, he checked everywhere in his car for his firearm. Subject Brazile did not consider returning to the club, canvassing the area or pulling over to check his car as soon as he discovered his gun missing. He did not consider going directly to a police station to report it missing. He wanted to get home and believed that a friend might have taken his gun or moved it to his trunk in order to look out for him since he was so intoxicated.

After searching his vehicle, Subject Brazile called his friend, [redacted] and a female "associate" named [redacted]. He did not know her last name. Neither of the persons knew anything about his weapon.

> IAB Note: [redacted] a department member and deputy sheriff at MCJ [redacted] was not interviewed for this investigation. [redacted] is not a department member.

Subject Brazile notified the NCCF Watch Commander at approximately 0830-0900 hours concerning his missing firearm as he drove to LAPD (West Valley Station) to make a report.

Subject Brazile believed he made a mistake with his words when he initially reported to LAPD that he left the club at 0300 hours, drove to his residence and found his gun missing at 0800 hours. He believed a more accurate reflection of his actions was what he told the LAPD Investigating Officer and what he wrote in his memo; which was, he slept in his vehicle and drove home at 0730 hours. He said he definitely did not drive home at 0300 hours. Subject Brazile did not recall what he told the NCCF Watch Commander.

Subject Brazile could not explain why the security guard said his car was gone when the security guard returned to check on Subject Brazile. As far as Subject Brazile could remember, when he awoke the next morning in the front seat of his car, his car was in the exact same spot as he had parked it. He did not recall if he moved his car. Subject Brazile did allow that it was possible he drove his car but did not recall it due to his intoxication. Subject Brazile also added that due to his level of intoxication, he did not see how it would have been possible for him to have driven.

Subject Brazile admitted he has been drunk before; based on that, he opined that on the night in question, he was worse than he had ever been. He also believed he was not intoxicated when he awoke at 0730 hours.

Subject Brazile assumed his gun was stolen (as opposed to misplace/missing) because he had not removed it and did not understand how it could be gone. Additionally, when he arrived home, he saw fingerprints on his car window and there were no signs of forced entry.

Based on the totality of this incident, Subject Brazile admitted he did not exercise reasonable care or control over his firearm. He felt that alcohol contributed to his lack of care and control of his firearm. At the time he returned to his vehicle, he did not feel

that he could not have cared for his own safety. He also admitted that his behavior brought discredit to himself and the department. Because he did not remember the security guard, he could not say whether or not his conduct toward the security guard was appropriate.

If Subject Brazile could have done things differently, he acknowledged he would have exercised better judgment regarding his drinking, especially considering he was alone. He also would not have brought his firearm. He believed that this incident was the worst night of his life and there were a lot of things he would take back.

Subject Brazile has been going through a difficult divorce and custody battle which has caused him to drink more. The drinking caused him to make poor decisions and he was very embarrassed for his actions. He was embarrassed for the department and as a man. Subject Brazile believed he has fixed many of his issues and [redacted] since this incident occurred. Prior to this incident, he had not considered seeking any assistance for drinking because he would not have acknowledged he had a problem. Subject Brazile also offered to apologize to the security guard.

Refer to the verbatim transcription of this interview (immediately following the investigative summary in the "**Subject Interview**" section) for a complete, detailed account of this interview.



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



February 27, 2013

Deputy Bryan Brazile, #[redacted]

Dear Deputy Brazile:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business March 20, 2013.

Two investigations under IAB File Numbers 2315640 and 2310266 conducted by Internal Affairs Bureau and coupled with your own statements, have established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; 3-01/030.15, Conduct Towards Others; and/or 3-01/025.45, Safety of Firearms; and/or 3-01/040.15, Care of County Property and Equipment, and/or 3-01/030.06, Inappropriate/Disorderly Conduct, on or about March 3, 2012, at approximately 0130-0230 hours, while off-duty and extremely intoxicated, you were contacted by a security guard at the "Sixteen 16" Nightclub in downtown Los Angeles. The security guard observed you seated on the ground, unable to care for yourself, and having vomited. The security guard escorted you to your vehicle where the security guard found the vehicle unlocked. While placing you in the backseat, you became upset and spit on the security guard. After you were placed in your vehicle, the security guard discovered your duty firearm lying in the gutter, which the security guard recovered. Approximately half an hour later, the security guard returned and noticed that both you and your vehicle were no longer at the location. Subsequently, the security

guard returned the firearm to a Department member. By your actions, you have brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements; 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations. You made false and/or misleading and/or incomplete statements as evidenced by but not limited to the following:

   a. on or about March 3, 2012, at approximately 0945 hours, while off-duty, you reported to LAPD Officer [redacted] that on March 3, 2012, while at "Sixteen 16" Nightclub, you returned to your vehicle at approximately 0300 hours and drove to your residence, and/or;

   b. on a memorandum authored by you, dated March 5, 2012, you wrote you returned to your vehicle at approximately 0300 hours, where you remained (without driving) until approximately 0800 hours, and/or;

   c. on March 5, 2012, LAPD Officer [redacted] wrote in his "Follow-Up" report that you told him that on March 3, 2012, at approximately 0300 hours, you returned to your vehicle, where you remained to "sleep it off," until approximately 0730, when you drove away from the night club, and/or;

   d. on or about February 18, 2013, during your IAB Subject Interview, regarding driving your vehicle after you left the nightclub, you said you could not remember any of the events after you left the nightclub, however you did say you remained in your vehicle at the nightclub until approximately 0730 hours, when you drove away from the nightclub, and/or;

   e. in contrast to certain of the above statements made by you, Witness Thomas said that at approximately 0220-0300 hours, he returned to check on your condition, and found that your vehicle was gone from the location.

By your actions, you have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

<u>IAB IV #[redacted]</u>

1. [redacted]

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.
You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Alexander Yim, on March 14, 2013, at 1000 hours, in his office, which is located at 450 Bauchet Street, Room E-826, Los Angeles, California 90012. If are unable to appear at the scheduled time and wish to schedule some other time prior to March 14, 2013, for your oral response, please call Chief Yim's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Yim's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Yim's office by no later than March 14, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave,

that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:CMJ:cj

c: Advocacy Unit
Employee Relations Unit
Chief Alexander Yim, Custody Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2310266 & [redacted]



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

January 20, 2015

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***BRYAN BRAZILE*** *for a hearing on his* **discharge,** *effective March 26, 2013, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 13-159**.

The Civil Service Commission, at its meeting held on January 14, 2015 approved findings in the above-entitled case. The petitioner's objections were overruled. Commissioner Martinez and Commissioner Nightingale dissented.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Bryan Brazile
Elizabeth Gibbons
Max Sank
Irene Ayala

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***discharge****, effective March 26, 2013, from the position of Deputy Sheriff, Sheriff's Department, of*

BRYAN BRAZILE
(Case No. 13-159)

ORDER OF THE CIVIL SERVICE COMMISSION

On January 14, 2015, the Civil Service Commission of the County of Los Angeles overruled the petitioner's objections and adopted as its final decision the findings and recommendation of the Hearing Officer, Irene Ayala, to sustain the Department. Commissioner Martinez and Commissioner Nightingale dissented.

Dated this 21st day of January, 2015.

Z. GREG KAHWAJIAN, President

Dissented — EVELYN V. MARTINEZ, Member

Dissented — NAOMI NIGHTINGALE, Member

CAROL FOX, Member

JOHN DONNER, Member

LOS ANGELES COUNTY CIVIL SERVICE COMMISSION

In the Matter of the Appeal of

BRYAN BRAZILE,

Appellant,

and

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT,

Respondent.

Case No. 13-159

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

Appearances

For Appellant	Elizabeth J. Gibbons Green & Shinee 16055 Ventura Boulevard, Suite 1000 Encino, California 91436
For Respondent	Max S. Sank Liebert Cassidy Whitmore 6033 West Century Boulevard, 5th Floor Los Angeles, California 90045
Hearing Officer	Irene P. Ayala
Hearing Dates	December 6, 2013 December 13, 2013 February 24, 2014 April 10, 2014 April 22, 2014

ISSUES

1. Are the allegations contained in the Department's letter of March 27, 2013 true?
2. If any or all are true, is the discipline appropriate?

EXHIBITS

Department's Exhibits

See attached list.

Appellant's Exhibits

See attached list.

INTRODUCTION

Bryan Brazile ("Appellant") was employed by the Sheriff's Department as a Deputy Sheriff. In a letter from the Department dated March 27, 2013, Appellant was informed he was discharged effective March 26, 2013. The Department maintained his discharge was justified because he was involved in serious alcohol-related incidents on March 3, 2012 and July 1, 2012 that endangered the public and brought discredit upon himself and the Department.

The Department also concluded Appellant made false statements regarding the March 3, 2012 incident to police, his Captain and Internal Affairs investigators.

Appellant acknowledged he had a problem with alcohol but denied he made false statements. He also asserted the Department failed to present evidence to support the allegations that are the basis for his discharge.

EVIDENCE

Appellant began his employment with the Department in February 2008. Following his graduation from the Academy, he was assigned to the North County Correctional Facility ("NCCF"). He remained in that assignment until his discharge.

On March 2, 2012, at approximately 10:45 p.m, Appellant arrived at Club Sixteen 16, a nightclub in downtown Los Angeles. He was going to attend a birthday party for a friend being held at the Club. He was off-duty and alone. He testified he parked his automobile, a 2009 Ford

Mustang, on 15th Street near the club. He locked his duty weapon in the glove box and locked the automobile before he entered the club. Appellant stayed at the club for three to four hours during which time he consumed vodka, whiskey and tequila. Some were shots of alcohol and some were mixed drinks. He admitted he was extremely intoxicated when he left the club at approximately 2:00 or 3:00 a.m. on March 3, 2012. When interviewed by Internal Affairs, Appellant said he could not remember any of the events from the time he left the club until he awoke that same morning at about 7:30 a.m. or 8:00 a.m. He was still in his parked automobile at the club's location.

[redacted] was the doorman at the club the night of March 2, 2012 and the morning of March 3, 2012. At about 1:30 a.m. or 1:45 a.m. on March 3rd he was ushering patrons out of the club when he saw Appellant sitting alongside a building with three Hispanic males around him. Mr. [redacted] was concerned a fight might take place so he approached them. Appellant looked intoxicated and there was vomit near him. Mr. [redacted] did not believe Appellant could take care of himself. He intervened and the male Hispanics left.

Mr. [redacted] had to help Appellant walk to his car that he described as a red Camaro. The driver's side door was open and the keys were in the ignition with the engine on, but Mr. [redacted] could not get Appellant through that side of the car so he walked him around and placed him in the back seat. Appellant seemed angry and spit on Mr. [redacted] Once Appellant was in the car, Mr. [redacted] saw a gun in the gutter. He recognized it as the type of weapon used by law enforcement officers. He also discovered Appellant's wallet in his back pocket that contained a Sheriff Department identification and a uniform in the trunk. Mr. [redacted] left Appellant in the back seat of the car and returned to the club with the gun in his possession out of concern the male Hispanics might return and find it. He left the car keys in the ignition. He returned to the car at about 2:45 a.m. and Appellant had driven away from the club. Mr. [redacted] described the street where the car had been located as "bare" of automobiles.

At approximately 8: 30 or 8:45 on the morning of March 3, 2012, Appellant called his watch commander, Lt. Michael Berg, and reported that he believed his automobile had been burglarized

while he was at the club and that his weapon had been stolen. He was instructed to report his stolen weapon to the nearest LAPD station. He was also directed to write a memorandum pursuant to Department policy to Captain Victor Trujillo regarding the incident as soon as he returned to work.

Appellant drove to the LAPD West Valley Station the morning of March 3, 2012 to file a report regarding a vehicle burglary and the theft of his weapon. Officer [redacted] and his partner met with Appellant at approximately 9:45 a.m. Appellant told them that on the evening of March 2nd he went to the club, parked his automobile on the north side of the street on East 15th Street, placed his weapon inside the glove compartment, locked it with his key and secured the automobile. He stated he returned to his automobile at about 3:00 a.m., unlocked the doors and drove to his residence. At about 8:00 a.m. on March 3rd he entered his automobile, unlocked the glove compartment and noticed his handgun was missing. There was no evidence of a forced entry to the automobile. The report listed his vehicle as a 2009 Gray Ford Mustang with license number 6HFR 735. (Ex. 1, p. 55)

Mr. [redacted] wanted to return the gun so he attempted to contact Lieutenant Rodrick Armalin through an intermediary. Lt. Armalin did meet with Mr. [redacted] on March 3, 2012 and recovered the gun from him. Lt. Armalin did a check and discovered the gun had been reported stolen. Lt. Armalin prepared a memorandum regarding the recovery of the gun that was sent to Captain Victor Trujillo on March 3, 2012. That memorandum indicated Mr. [redacted] saw Appellant sitting on the ground arguing with a group of Hispanic males. Appellant was extremely intoxicated and belligerent. They were all cursing and yelling and it appeared as if the group of Hispanics were about to beat up Appellant. Mr. [redacted] convinced the males to leave.

Mr. [redacted] also stated Appellant was intoxicated to the point that he was vomiting and was unable to care for himself. When placing Appellant inside his automobile, Mr. [redacted] found the duty weapon and a Department badge inside. Mr. [redacted] returned to the club with the gun.

A short time later he returned to where the vehicle was parked and saw that Appellant had driven away. (Ex. 1, p. 61)

About one week later Appellant's watch sergeant notified him his weapon was at NCCF and instructed him to recover it. On March 5, 2012, Appellant prepared a memorandum for Captain Trujillo regarding the incident. However, in that memorandum Appellant indicated he left the club around 2:30 a.m. to 3:00 a.m. on March 3rd, but remained in the automobile until approximately 7:30 a.m. to 8:00 a.m., at which time he drove to his residence and then discovered the loss of his weapon. (Ex. 1, p. 64)

LAPD Detective [redacted] from the Newton Division contacted Appellant by telephone on March 5, 2012 regarding the report of a lost weapon. Appellant told her he secured his gun in the glove box of his automobile before he entered the club at about 10:45 p.m. He returned o his automobile at about 3:00 a.m. Because he was intoxicated he remained in his automobile and slept until about 7:30 a.m. and then drove home. (Ex. 1, p. 58)

Captain Trujillo testified he spoke by telephone with Lt. Armalin about the nightclub incident. Lt. Armalin told the Captain Appellant spit on Mr. [redacted] during that incident. Captain Trujillo requested an Internal Affairs Bureau ("IAB") Investigation after he spoke with Lt. Armalin and reviewed his memorandum He also based the request for the investigation after he reviewed the LAPD stolen gun report.

He also contacted the Internal Criminal Investigation Bureau ("ICIB") regarding the nightclub incident because an alleged crime of assault (spitting) had been committed by Appellant. ICIB investigators went to the club and obtained video from the security cameras outside the club. The video was of poor quality. What could be seen was someone believed to be Appellant entering the club at 10:47 p.m. on March 2, 2012, and exiting the club at 1:27 p.m. on March 3, 2012. That video did not show details of Appellant's movements outside the club. The ICIB investigators spoke with Mr. [redacted] who confirmed Appellant spat on him. However, he did not

wish to pursue a criminal complaint against Appellant. Captain Trujillo was later told by ICIB a criminal case would not be pursued.

[redacted]

Captain Trujillo met with Appellant the week of March 5, 2012. He wanted to check on his well-being and to inform him the Department would be investigating the loss of his weapon. The Captain was aware [redacted]

Captain Trujillo also decided Appellant would not be relieved of duty. He did not have all the facts regarding the incident and stated he believed in Appellant and believed Appellant's personal problems were mitigating factors that could be rectified if Appellant received help. [redacted] Captain Trujillo told Appellant [redacted] and that he had a wonderful career and should not throw it away. He recalled telling Appellant, "Bryan, please say the truth and you will survive this event." About one week later, Appellant told the Captain he was receiving [redacted]

[redacted]

[redacted]

[redacted]

Alexander Yim was the Chief of the Custody Division from April 2012 to April 16, 2013. NCCF was one of the facilities under his command. He reviewed the Internal Affairs report of the incident in March 2012 and the [redacted] He considered the totality of the facts involved in both events and concluded Appellant's conduct established violations of the policies and procedures regarding General Behavior, Conduct Toward Others, Safety of Firearms, Care of County Property and Equipment, Inappropriate/Disorderly Conduct, False Statements/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, and Obedience to Laws, Regulations, and Orders.

The Department's Case Review Panel of Commander Todd Rogers, Commander Earl Shields, and Captain Karyn Mannis reviewed the facts of the case and Department violations and concurred with Mr. Yim's decision. (Ex. 6)

In a letter from Captain Alicia Ault dated February 27, 2013, Appellant was notified of the Department's intention to discharge him based on his conduct on March 3, 2012 and July 1, 2012. (Ex. 4) A Skelly meeting was held on March 14, 2013. Mr. Yim conducted the meeting and testified no new facts were presented by Appellant at that time to change the decision to discharge him. Appellant's discharge was effective March 26, 2013. (Ex. 5)

DISCUSSION

Appellant has been employed by the Department since February 2008. He has no prior discipline. The Department maintained his discharge was justified due to his conduct involving his intoxication, his contact with the nightclub security guard, and the loss of his weapon on March 3, 2012. [redacted]

1. **General Behavior – 3-01/030.05**

A member shall not act or behave privately or officially in such a manner as to bring discredit upon himself or the Department.

2. **Conduct Toward Others – 3-01/030.15**

Members shall not intentionally antagonize any person with whom they come in contact and shall treat all persons in a respectful, courteous and civil manner.

3. **Safety of Firearms – 3-01/025.45**

Sworn employees carrying or handling any firearm while on or off duty shall not consume any intoxicating substance to the point where the employee is unable to or does not exercise reasonable care and/or control of the firearm.

4. **Care of County Property and Equipment**

Reasonable and prudent precaution shall be taken to prevent the loss or theft of County property. Exceptional care shall be exercised to prevent the loss or theft of security items such as evidence, weapons, radios, vests or tasers.

Loss or preventable theft of County property when the circumstances indicate that a greater degree of caution should have been taken to prevent such loss or theft, willful or negligent abuse, misuse, damage or destruction, shall be grounds for disciplinary action.

A parked vehicle left unattended on the street or in a driveway is particularly vulnerable to theft or burglary. Therefore, personnel shall assure that any County vehicle or any personally owned vehicle which contains County equipment is parked in a safe location and that any firearm... is secured in the vehicle's trunk, in a rack or a locked container (when available). Absent exigent circumstances, any improperly secured equipment stolen from such an unattended vehicle shall be labeled a negligent loss. Consequently, the employee...shall be subject to appropriate Department discipline.

5. **Disorderly Conduct – 3-01/030.06**

Members shall not be disorderly or intoxicated in a public place at any time.

6. **False Statements – 3-01/040.70**

Members shall not make false statements when questioned, interviewed or in reports submitted.

7. **Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations – 3-01/040.75**

If requested to make a statement in the course of an official Department internal investigation, members shall make full, complete and truthful statements.

Failure or refusal to make statements or making false statements during Department internal investigations may result in disciplinary action.

8. Obedience to Laws, Regulations, and Orders – 3-01/030.10

Members shall not willfully violate any federal statute, state law or local ordinance. . . Members who violate any rules, regulations, or policies of the Department or the county shall be subject to disciplinary action.

This is a case involving a young Deputy with no prior discipline history that acknowledged [redacted]

Appellant's counsel argued the Department did not prove the facts that are the basis for his discharge; and, that Appellant was subject to more punitive discipline because [redacted] There is no merit to Appellant's arguments.

With regard to the March 3, 2012 incident at the nightclub, Appellant did not deny he was extremely intoxicated when he left the club the early morning of March 3, 2012. He had no recollection of any encounter with three male Hispanics, spitting on Mr. Thomas, how he misplaced his weapon, or how he ended up in his own automobile.

The doorman, Mr. [redacted] was a credible witness who had no bias against Appellant. There is no reason to conclude he fabricated his version of the facts regarding Appellant's conduct that early morning. The facts relayed by Mr. [redacted] established Appellant behaved in a disorderly, inappropriate manner toward him. Whether Appellant did spit on Mr. [redacted] vomited on the street, or his gun was found in the gutter or in the automobile are not the most significant facts for this case.

What is significant is that Mr. [redacted] did end up with Appellant's official weapon that was clearly not secured in a manner required by Department policy. During his Internal Affairs interview, Appellant confirmed his excessive intoxication rendered him unable to care for himself, that he did not safeguard his weapon, and that he discredited the Department.

However, Appellant argued Mr. [redacted] could not be believed when he said Appellant drove away from the club at or about 3:00 a.m. That would have established Appellant irresponsibly drove from the club while excessively intoxicated. Yet, according to Appellant, he

slept in his automobile until about 8:00 a.m. while it was still parked at the club and then drove home.

[redacted]

Appellant reported his weapon stolen to the LAPD at about 9:45 a.m. on March 3, 2012. During the appeal hearing, he confirmed he was sober at that time so his statements to the officers should be considered an accurate recollection of what occurred.

"We met with Bryan Brazile (Vict) who stated on 3/2/12, at approx. 2245 hrs, he drove to a club (1616 club, 1616 E 15th St) by himself and parked his vehicle on the north side of the street (E 15th St). The Vict then placed his handgun inside the glove compartment, locked it with his key and secured the vehicle. The Vict returned on 3/3/12, **at approx. 0300 hrs. to his vehicle, unlocked the doors and drove to his residence. On 3/3/12, at approx. 0800 hours, the Vict entered (unlocked the doors) of his vehicle, unlocked the glove compartment and noticed his handgun missing.**" (Emphasis added) (Ex. 1, p. 56)

What Appellant's own statements established is that he drove home at 3:00 a.m. while extremely intoxicated and did not re-enter his automobile until 8:00 a.m. when he was at his residence. Only three days later, on March 6, 2012, Appellant told a different version to Detective Dara Brown. At that time, he stated he did not drive home, but stayed in his automobile to "sleep it off" until about 7:30 a.m. and then left the club location at that time. (Ex. 1, p. 58)

During his interview by Internal Affairs investigators, Appellant did not give a plausible explanation why he had contradictory versions of the facts as to when he left the club. The Department's conclusion he left the club at about 3:00 a.m. and drove in an extremely intoxicated

state was proven by Appellant's own statements to the police when he was sober and only hours later that same morning. His statements to the IAB investigators on that issue are, therefore, false statements and a violation of Department policy and its expectation that its sworn deputies must give truthful statements. His statements to the LAPD were also false.

Appellant's counsel also questioned Mr. [redacted] credibility regarding his observation that Appellant was driving a red Camero that day. Appellant insisted he drove a gray Mustang to the club that would suggest Mr. [redacted] was looking at the wrong automobile when he stated Appellant was gone by 3:00 a.m.

At the appeal hearing, Appellant introduced a photograph of a gray 2009 Mustang. The license number on that automobile was [redacted] (Ex. G) Appellant's 2013 DMV registration slip confirmed he was the owner of that automobile. However, the license number listed on the LAPD stolen property report was [redacted] There was no explanation why the license numbers were not identical. More importantly, the type of automobile Appellant was driving is not significant since Mr. [redacted] observation of the time Appellant was gone from the club location was confirmed by Appellant's own report to the LAPD.

Appellant was counseled by Captain Trujillo to "just tell the truth" and he would survive the incident. [redacted]

[redacted]

However, based on the evidence presented in this case, it is clear that the Department met its burden of proof that the allegations in the letter of discharge are true. The issue is now whether Appellant's discharge is justified. Appellant's counsel asserted that other Deputies with similar conduct were not discharged, but received suspensions. Letters of intent in those cases were submitted at the appeal hearing. (Ex. D 1-18) In one case involving conduct by a Deputy in 2010, but disciplined in 2013, the Department demoted the Deputy to the position of Custody Assistant. (Ex. E)

[redacted]

The Department objected to the admission of the letters of intent relating to the previously disciplined Deputies. The Department argued Penal Code section 832.7 mandates that peace officer records and records maintained pursuant to Penal Code section 832.5 or information obtained from those records are confidential and shall not be disclosed except by discovery by a Pitchess motion pursuant to Evidence Code section 1043, et seq. The Department also argued those lesser disciplines were irrelevant in Appellant's case. Talmo v. Civil Service Commission (1991) 231 Cal.App.3d 210.

I did not agree. Although no Pitchess motion was submitted in this case, disparity in discipline is an issue that I take seriously; in particular, since the Sheriff's Department has a well-known reputation for inconsistency in the imposition of discipline for same and similar misconduct by its Deputies. There is a strong argument to be made that to prevent a Department employee from disclosing discipline decisions in similar cases would deny him or her due process. Therefore, I allowed the Department to also submit examples where employees involved in alcohol-related incidents had been discharged. (Ex. 7) The documents from both Appellant and the Department had the employee identity and home address redacted.

My review of Appellant's documents showing prior discipline for alcohol-related misconduct established that the Department had imposed periods of suspension and not a discharge. However, the Department accurately noted that those cases involved only one alcohol-related incident and did not involve allegations of false statements.

Appellant's case is different in that it involved two alcohol-related incidents only four months apart, with false statements to the Department and to the LAPD. The previous disciplines submitted by the Department involved 17 cases that supported the conclusion Appellant's discharge was not inconsistent with prior discipline decisions. (Ex. 7)

During the appeal hearing, former Chief Yim was asked whether a demotion to a Custody Assistant could be an appropriate discipline instead of a discharge. Mr. Yim testified that a Custody Assistant is expected to effectively monitor a large number of inmates who are disruptive and violent. Physical altercations with Deputies and allegations of inmate abuse are common. The accuracy of reports of incidents in the detention facility is critical. Mr. Yim had serious concerns Appellant would exercise common sense and sound judgment in that position.

[redacted] However, in this case the Department did consider the plea, but only with regard to the discredit and embarrassment it brought both to Appellant as a sworn peace officer and to the reputation of the Department. Under those circumstances, the admission of the [redacted] is permissible. Ziegler v. City of South Pasadena (1999) 73 Cal.App.4th 391. Moreover, the underlying facts of that incident were established by independent evidence during the Department's investigation and at the appeal hearing without relying on the [redacted]

It is also important to note that I have placed no weight on the fact of a nolo contendere plea in my analysis of this case, but relied on the evidence presented to me at the appeal hearing.

In conclusion, the Department met its burden of proof that the allegations in Appellant's discharge letter were true and that discharge was the appropriate discipline.

FINDINGS OF FACT

1. Appellant was a Deputy Sheriff assigned to the North County Correctional Facility at the time of his discharge. He had no prior discipline during his employment with the County.

2. On March 2, 2012, Appellant arrived at the Sixteen 16 Club in downtown Los Angeles at about 10:45 p.m. to join some friends. He consumed alcohol at the club and became extremely intoxicated by the time he left the club before 3:00 a.m. on March 3, 2012.

3. [redacted] the club's doorman, had to assist Appellant to his automobile because he was unable to care for himself. Mr. [redacted] saw Appellant seated on the ground with vomit nearby in a heated exchange with three males. Mr. [redacted] had to intervene to prevent an altercation between the males and Appellant. After placing him in his automobile, Mr. [redacted] recovered Appellant's official weapon that was lying in the gutter by the automobile.

4. Mr. [redacted] took Appellant's weapon for safekeeping and returned to the club to resume his duties. Shortly thereafter, he saw that Appellant had driven away from the location. Mr. [redacted] turned the weapon over to Lt. Rodrick Armalin.

5. When Appellant could not locate his weapon, he went to the LAPD station at about 9:45 a.m. on March 3, 2012 and reported it stolen. He was sober when he told the officer he left the club at 3:00 a.m. and drove home. He did not realize his weapon was missing until he entered his automobile at 8:00 a.m. His statements were consistent with the observations of Mr. [redacted] regarding the time he left the club.

6. Appellant later told Detective Dara Brown he left the club location at 8:00 a.m. instead of 3:00 a.m. He recounted that version of the facts during an interview by Internal Affairs investigators.

[redacted]

10. Appellant's discharge was effective March 26, 2013.

CONCLUSIONS OF LAW

1. The Department met its burden of proof that the allegations contained in the Department's letter of March 27, 2013 are true.

2. The Department met its burden of proof that Appellant's discharge is appropriate.

RECOMMENDATION

It is respectfully recommended that the Board of Commissioners sustain Appellant's discharge.

Date: July 19, 2014.

IRENE P. AYALA
Hearing Officer



County of Los Angeles

Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

March 27, 2013

Deputy Bryan Brazile, [redacted]

Dear Deputy Brazile:

On February 27, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Numbers IAB [redacted] and 2310266. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business March 26, 2013.

Two investigations under File Numbers [redacted] and 2310266 conducted by Internal Affairs Bureau and coupled with your own statements, have established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; 3-01/030.15, Conduct Towards Others; and/or 3-01/025.45, Safety of Firearms; and/or 3-01/040.15, Care of County Property and Equipment, and/or 3-01/030.06, Inappropriate/Disorderly Conduct, on or about March 3, 2012, at approximately 0130-0230 hours, while off-duty and extremely intoxicated, you were contacted by a security guard at the "Sixteen 16" Nightclub in downtown Los Angeles. The security guard observed you seated on the ground, unable to care for yourself, and having vomited. The security guard escorted

you to your vehicle where the security guard found the vehicle unlocked. While placing you in the backseat, you became upset and spit on the security guard. After you were placed in your vehicle, the security guard discovered your duty firearm lying in the gutter, which the security guard recovered. Approximately half an hour later, the security guard returned and noticed that both you and your vehicle were no longer at the location. Subsequently, the security guard returned the firearm to a Department member. By your actions, you have brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements; 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations. You made false and/or misleading and/or incomplete statements as evidenced by but not limited to the following:

   a. on or about March 3, 2012, at approximately 0945 hours, while off-duty, you reported to LAPD Officer [redacted] that on March 3, 2012, while at "Sixteen 16" Nightclub, you returned to your vehicle at approximately 0300 hours and drove to your residence, and/or;

   b. on a memorandum authored by you, dated March 5, 2012, you wrote you returned to your vehicle at approximately 0300 hours, where you remained (without driving) until approximately 0800 hours, and/or;

   c. on March 5, 2012, LAPD Officer [redacted] wrote in his "Follow-Up" report that you told him that on March 3, 2012, at approximately 0300 hours, you returned to your vehicle, where you remained to "sleep it off," until approximately 0730, when you drove away from the night club, and/or;

   d. on or about February 18, 2013, during your IAB Subject Interview, regarding driving your vehicle after you left the nightclub, you said you could not remember any of the events after you left the nightclub, however you did say

you remained in your vehicle at the nightclub until approximately 0730 hours, when you drove away from the nightclub, and/or;

e. in contrast to certain of the above statements made by you, Witness [redacted] said that at approximately 0220-0300 hours, he returned to check on your condition, and found that your vehicle was gone from the location.

By your actions, you have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

[redacted]

[redacted]



[redacted]

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

ALEXANDER R. YIM, CHIEF
CUSTODY DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

ARY:KM:AEA:md

c: Advocacy Unit
Alexander R. Yim, Chief, Custody Division
Victor M. Trujillo, Captain, North County Correctional Facility
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration